IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

W.P.NOs : 1992 of 2005 & 2146 of 2005

WRIT PETITION NO.1992 OF 2005

Between:

1 Gangu Anantha Rao, S/o. Rama Murthy,
R/o Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
2 Podilapu Mohana Rao, S/o. Kuramayya,
R/o Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
3 Gurana Satyam, S/o. Chinnam Naidu,
R/o Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
4 Nakka Appa Rao, S/o. Jagannadham,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
5 Busi Krishna Murthy, S/o. Appanna,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
6 Podilapu Laxminarayana, S/o. Kuramayya,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
7 Nakka Haranadha Rao, S/o. Late Vishnu Murthy,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
8 Gangu Ganapathi Rao, S/o. Rama Murthy,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
9 Golivi Anantha Laxmi, W/o. Jaggu Naidu,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
10 Guluvindala Rama Krishna, S/o. China Surapu Naidu,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.
11 Busi Latchanna, S/o. Ramanna,

Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.

12 Podilapu Satyanarayana, S/o. Kuramayya,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.

13 Maddu Seetharam, S/o. Suri,
Residing at Khandyam (Vil), Regidi Amadala Valasa (Mandal),
Srikakulam District.

.... PETITIONERS

AND

1 GMR Technologies Industries Ltd., (Sugar Division),
Sankili Village, Regidi Amadala Valasa Mandal,

Srikakulam District.
rep., by its Managing Director K. Narayana Rao.

2 GMR Technologies Industries Ltd., (Sugar Division),
Sankili Village, Regidi Amadala Valasa Mandal,

Srikakulam District.
rep., by its President T. Chandra Sekhar Reddy.

3 The Assistant Cane Commissioner, Bobbili,

Vizianagaram District.

4 The Mandal Revenue Officer,
Regidi Amadala Valasa Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not permitting the petitioners to crush sugar cane crop raised by them in their own lands, by their own crushers by the petitioners is arbitrary illegal and constitutional and consequently direct the respondents not, to interfere with the crushing activities of sugar cane i.e., being done by the petitioners by their own crushing units if necessary direct the 3rd respondent to issue licences to the petitioners are also the petitioners would suffer heavy loss and damage.

Counsel for the Petitioners: Mr.TADDI.NAGESWARA RAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

WRIT PETITION NO : 2146 of 2005

Between:

1 N. Muthyalu Naidu, S/o. Late Sanni,
Neelakndaraja Puram Village, Vedapa mandal,

Viziangaram District.

2 M. Muthyala Landu, S/o. Late Swamulu,
Vallampudi Village, Vedapa mandal, Viziangaram District.
3 Smt. N. Pyditallamma, W/o. late Mutyala Naidu,
Kottasingaraya Village, Vedapa mandal, Viziangaram District.
4 Y. Rama krishna, S/o. Appala Naidu,
Dabbirajupeta Village, Vedapa mandal, Viziangaram District.
5 P. Sayaranarayana, S/o. Simhachalam
Gandhavaram Village, Padmanabham mandal,

Visakhapatnam District.
6 N. Jagannadham, S/o. Late Appa naidu,
Kothasingaraya Village, Vedapa mandal, Viziangaram District.
7 N. Arjuna Rao, S/o. Demudu,
Kothasingavaram Village, Vedapa mandal,

Viziangaram District.
8 K. Appala Naidu, S/o. Chinna Demudu,
Banadi Village, Vedapa mandal, Viziangaram District.
9 V. Sannibabu, S/o. Late Appanna,
S. Kota Sitaramapuram Village, Vedapa mandal,

Viziangaram District.
10 P. Simhachalam, S/o. Late Balanna,
Vedapa mandal, Viziangaram District.
11 K. Sanni Babu, S/o. Late Sanyasi Naidu,
Pothanapalli Village, S. Kota Mandal, Vizianagaram District.
12 G. Apparao, S/o. Late Samudram,
Veeluparthi Village, Vedapa mandal, Viziangaram District.
13 K. Sanyasi Rao, S/o. Chinna Babu,
M. Singavaram Village, Vedapa mandal, Viziangaram District.
14 P. Sanyasi Naidu, S/o. Late buchaiah,
S. KothaTalari Village, S. Kota Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 The Commissioner of Sugar & Cane,

Andhra Pradesh, Hyderabad.
2 The Assistant Cane Commissioner Licensing Inspector,

Viziangaram, Viziangaram District.
3 Sri Vijayarama Gajapathi Cooperative Sugar Factory Limited, Kumaram, Jami Mandal, Viziangaram District,
rep. by its Managing Director.
4 The District Collector, Vizianagarm, Viziangaram District.
5 The District Collector,

Visakhapatnam, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to direct the Respondents 3,4 & 5 not to interfere in the peaceful crushing of the Sugar Cane of Jaggery of the Petitioners lands, as illegal arbitrary and violation of principles of natural justice consequently direct the 2nd respondent to consider the representation and to pass such other order or orders.

Counsel for the Petitioners:MR.BOMMINAYUNI APPARAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

COMMON ORDER:

These two matters are covered by the Common Order, dated 21.02.2005, passed by this Court in W.P.Nos.19659 of 2004 and batch.

Following the same, the writ petitions are disposed of, directing that the respondents shall not interfere with any activity of the petitioners, except by issuing notices as contemplated under the Sugarcane Control Order or the Jaggery manufacturing Licensing Order. If the respondents have seized any machinery or agricultural produce, the same shall be returned forthwith. In case, the respondents feel that any of the petitioners need to be proceeded against, they shall do so, only in accordance with the relevant provisions of law. There shall be no order as to costs.

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22.02.2005

JSU

To

1 The Managing Director,

GMR Technologies Industries Ltd., (Sugar Division),
Sankili Village, Regidi Amadala Valasa Mandal,

Srikakulam District.

2 The President,

GMR Technologies Industries Ltd., (Sugar Division),
Sankili Village, Regidi Amadala Valasa Mandal,

Srikakulam District.

3 The Assistant Cane Commissioner, Bobbili,

Vizianagaram District.

4 The Mandal Revenue Officer,
Regidi Amadala Valasa Mandal, Srikakulam District.

5 The Commissioner of Sugar & Cane,

Andhra Pradesh, Hyderabad.

6 The Assistant Cane Commissioner Licensing Inspector,

Viziangaram, Viziangaram District.

7 The Managing Director,

Sri Vijayarama Gajapathi Cooperative Sugar Factory Limited, Kumaram, Jami Mandal, Viziangaram District.

8 The District Collector, Vizianagarm, Viziangaram District.

9 The District Collector,

Visakhapatnam, Visakhapatnam District.

10 Two CCs to the GP FOR INDUSTRIES & COMMERCE,

High Court Buildings, Hyderabad (O.U.T.)

11 2 CD copies